



2024

**PENSION
LAWYERS
ASSOCIATION
CONFERENCE**

Tuesday 9th and Wednesday 10th of April 2024

CAPE TOWN INTERNATIONAL CONFERENCE CENTRE

The Pension Lawyers Association reserves the right to modify the programme without prior notification.

CONFERENCE PROGRAMME

DAY 1 – Tuesday, 9 April 2024

TIME AND TOPIC		FACILITATOR	SPEAKERS
08.30 - 08.45	Welcome		Mpho Kgomongoe: Chairperson of the Pension Lawyers Association

TIME AND TOPIC		FACILITATOR	SPEAKERS
08.45 - 09.30	P1. Keynote address	Mpho Kgomongoe	Emeritus Professor Evance Kalula
09.30 - 10.15	P2. All things two-pot – an update on where we are now, what does the legislation require, what are we still unsure about and what are the difficulties we still face?	Karen Quinlan	<ul style="list-style-type: none"> ▪ Leanne van Wyk: ICTS Legal Services ▪ Nicolette van Vuuren: Webber Wentzel
10.15 - 10.45	TEA BREAK		
10.45 - 11.45	FOCUS SESSIONS		
	1. Adjudicator and Financial Sector Tribunal determinations The Office of the Pension Funds Adjudicator will discuss certain pertinent cases it has recently had to determine as well as recent rulings from the Financial Sector Tribunal.	Miranda Mkhumbuzi-Rasehala	<ul style="list-style-type: none"> ▪ Nondumiso Ntshangase: Office of the Pension Funds Adjudicator
	2. Interest on arrear contributions – differing interpretations The industry has seen different interpretations in the calculation of late payment penalty interest. The conflicting views as well as ancillary issues relating to the payment of contributions will be debated.	Chantal Manson	<ul style="list-style-type: none"> ▪ Deirdre Phillips: Bowmans ▪ Mdu Ntombela: Sanlam Corporate

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	3. Interpretation Rulings A moot debate about the effect and nature of Interpretation Rulings, including whether they are binding on funds and the effect of the FSCA changing its interpretation of a law.	Leanne van Wyk	<ul style="list-style-type: none"> ▪ Jonathan Mort: Jonathan Mort Inc ▪ Adv. Luyanda Mbatha
11.45 – 12.00	Move to next focus session		
12.00 – 13.00	FOCUS SESSIONS		
	4. Section 37C death benefits: We take you through death benefit case studies dealing with topical or tricky legal issues. Join us for an interactive session where you can give us your views and we give you ours.	Brenda Penny	<ul style="list-style-type: none"> ▪ Nandipha Ngcobo: Liberty ▪ Amina Yuda: Norton Rose Fulbright
	5. A recap of regulatory developments from last year and what we can expect this year 2023 was a whirlwind of regulatory developments. We will look at a regulatory round-up for 2023, as well as summarise what regulatory developments retirement funds can expect in 2024.	Nicolette van Vuuren	<ul style="list-style-type: none"> ▪ Miranda Mkhumbuzi-Rasehala: Discovery ▪ Ntombi Mlambo: Mlambo & Associates
	6. The benefits and challenges with interpreting principle-based legislation	Karen Quinlan	<ul style="list-style-type: none"> ▪ Chantal Manson: Liberty ▪ Tshepo Mokoana: Bowmans

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	The tabling of the Conduct of Financial Institutions Bill is imminent and introduces principles-based law, which is a shift from the rules-based approach found in existing financial laws. We will discuss the benefits and challenges with interpreting principle-based legislation.		
13.00 - 14.00	LUNCH		
14.00 - 14.15	Move to Plenary Session		
	PLENARY SESSION		
14.15 - 15.00	P3. Noteworthy and recent South African case law impacting retirement funds or employee benefits	Mpho Kgomongoe	<ul style="list-style-type: none"> ▪ Adv. Lerato Molete ▪ Adv. Neo Ntingane
15.00 - 15.45	P4. Unpacking the Mudau v Municipal Employees Pension Fund and Others Constitutional Court case	Leanne van Wyk	<ul style="list-style-type: none"> ▪ Adv. Hannine Drake ▪ Adv. Kameel Magen
15.45 - 16.30	P5. World Bank: the impact of early access to retirement savings across different jurisdictions	Chantal Manson	<ul style="list-style-type: none"> ▪ Rowan Burger: Momentum ▪ Himanshi Jain: Senior Social Protection Specialist from the World Bank

DAY 2 – Wednesday, 10 April 2024

TIME AND TOPIC		FACILITATOR	SPEAKERS
08.30 - 08:45	Opening		Chantal Manson: Conference Co-chair
08.45 - 09.30	P6. Address from the Office of the Information Regulator Lessons from recent breach incidents and lessons for the retirement fund industry	Chantal Manson	Adv. Weapond: Information Regulator
09.30 - 10.15	P7. An update from the Office of the Pension Funds Adjudicator	Leanne van Wyk	Adv. Muvhango Lukhaimane: Pension Funds Adjudicator
10.15 - 10.30	Move to focus session		
10.30 - 11.30	FOCUS SESSIONS		
	7. Employer duties and obligations - Compulsory membership of occupational retirement funds The Basic Conditions of Employment Act bars employers from obligating participation in schemes to buy specific goods or services, unless other laws prohibit the purchase and the	Deirdre Phillips	<ul style="list-style-type: none"> ▪ Mpho Kgomongoe: Simeka Consultants and Actuaries ▪ Anita Roodman: Simeka Consultants and Actuaries

TIME AND TOPIC	FACILITATOR	SPEAKERS
employee benefits financially or the prices are fair. We will unpack this provision.		
<p>8. Unpacking inconsistencies in various financial sector laws Certain conflicting provisions are contained in the Pension Funds Act and the Financial Sector Regulations Act. We will examine whether those impacted by the financial sector laws are entitled to “legislation-shop”.</p>	<p>Brenda Penny</p>	<ul style="list-style-type: none"> ▪ Lenee Green: Webber Wentzel ▪ Leigh Sedice: ENS Africa
<p>9. A legal analysis of the effect of the proposed ‘Two-Pot System’ on spouses as well as other pending legislative amendments impacting ‘spouses’ We will examine and propose solutions to the challenges that the two-pot system may present to spouses in unrecorded customary marriages, as well as discuss the pending legislative amendments impacting the definition of ‘spouse’.</p>	<p>Miranda Mkhumbuzi-Rasehala</p>	<ul style="list-style-type: none"> ▪ Teron Rikhotso: University of Limpopo ▪ Carlyle Field: Shepstone Wylie
11.30 - 12.30	LUNCH	
12.30 - 12.45	Move to Plenary Session	
	Plenary Session	

TIME AND TOPIC	FACILITATOR	SPEAKERS
12.45 -13.30	P8. Panel Discussion on implementing the Two-Pot Retirement System: Administrator Perspectives on Member Communication, Privacy, Withdrawals, and Fraud Prevention	Miranda Mkhumbuzi-Rasehala <ul style="list-style-type: none"> ▪ Andrew Mothibi: Eskom Pension and Provident Fund ▪ Itai Mukadira: Metal Industries Benefit Funds Administrators ▪ Brenda Penny: Verso Group ▪ Blessing Utete: Old Mutual ▪ John Anderson: AlexForbes
13.30 - 14.15	P9. Amendments to the Pension Funds Act and the Omnibus Bill	Nicolette van Vuuren <ul style="list-style-type: none"> ▪ Michelle David: Norton Rose Fulbright ▪ Nancy Andrews: Discovery
14.15 - 15:00	P10. Address by the Financial Sector Conduct Authority Deputy Commissioner	Mpho Kgomongoe Astrid Ludin: FSCA Deputy Commissioner
15.00 - 15.10	CLOSING	